

United States District Court

NORTHERN

FILED
DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

2007 AUG 22 P 1:35

E-FILING

V.

Humberto RODRIGUEZ-Gomez
(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Sm

CRIMINAL COMPLAINT

CASE NUMBER: 07-70496

HRL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, August 18, 2004, in Marin County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Benjamin T. Kennedy
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

8/21/07
Date

at

San Jose, California
City and State

Howard R. Lloyd
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: RODRIGUEZ-Gomez, Humberto A27 598 237

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. RODRIGUEZ-Gomez is a 46-year-old male who has used thirty-nine (39) aliases and ten (10) dates of birth in the past.
- (2) Mr. RODRIGUEZ-Gomez has been assigned one (1) Alien Registration number of A27 598 237, FBI number of 282929CA7, California Criminal Information Index number of A23626021, and California Department of Corrections number H80200.
- (3) Mr. RODRIGUEZ-Gomez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on five (5) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
March 25, 1987	Laredo, TX
May 25, 1990	Calexico, CA
February 6, 1992	Calexico, CA
January 8, 1993	Calexico, CA
April 24, 2002	Nogales, AZ

- (4) Mr. RODRIGUEZ-Gomez last entered the United States at or near Calexico, CA on or after April 24, 2002, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. RODRIGUEZ-Gomez on a date unknown, but no later than August 18, 2004, in Marin County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On July 26, 2007, Mr. RODRIGUEZ-Gomez was interviewed by Immigration Enforcement Agent (IEA) Andrew Tayaba at the CTF-Soledad Prison, Soledad, CA, and during that interview, Mr. RODRIGUEZ-Gomez was advised of his **Miranda** rights in Spanish. Mr. RODRIGUEZ-Gomez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: RODRIGUEZ-Gomez, Humberto A27 598 237

- (6) Mr. RODRIGUEZ-Gomez was, on March 19, 1991, convicted in the Superior Court of California, in and for the County of San Mateo, for the offense of POSSESSION FOR SALE OF COCAINE, an aggravated felony, in violation of Section 11351 of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (7) Mr. RODRIGUEZ-Gomez was, on June 7, 1993, convicted in the Superior Court of California, in and for the County of San Mateo, for the offense of DUI WITH PRIORS, a felony, in violation of Section 23152(b)/23175 of the California Vehicle Code, and was sentenced to sixteen (16) months.
- (8) Mr. RODRIGUEZ-Gomez was, on May 22, 2000, convicted in the Superior Court of California, in and for the County of San Mateo, for the offense of FELON IN POSSESSION OF FIREARM, an aggravated felony, in violation of Section 12021(a)(1) of the California Penal Code, and was sentenced to forty-four (44) months in prison.
- (9) Mr. RODRIGUEZ-Gomez was, on April 12, 2005, convicted in the Superior Court of California, in and for the County of San Mateo, for the offense of POSSESS W/INTENT TO MANUFACTURE METHAMPHETAMINE, an aggravated felony, in violation of Section 11383(c)(1) of the California Health and Safety Code, and was sentenced to 5 years in prison.
- (10) On the basis of the above information, there is probable cause to believe that Mr. RODRIGUEZ-Gomez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 21 day of August, 2007



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE